



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

October 15, 2010

Mr. Mark A. Saalman
Little Sandy Coal Co., Inc.
P.O. Box 16
Lamar, Indiana 47550

Re: NPDES General Permit No. ING040207
Little Sandy Creek Coal Co., Inc.
Antioch Mine
Montgomery, Indiana, Daviess County

Dear Mr. Saalman:

Your NPDES permit Notice of Intent application received September 8, 2010 requesting modification for the above referenced permit has been reviewed. The submittal requested the removal of Outfalls 001, 002 and 003 listed below. The facility asks for the addition of an Outfall 011 and that DMRs be provided for this addition. Anticipated Outfall 011 will be alkaline active. Coverage for the facility will include all outfalls listed in Attachment 1 to this correspondence.

OUTFALLS DELETED FOR THIS FACILITY

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE	RECEIVING WATER
001	S-0355 001	38°, 41', 31.9"	87°, 06', 19.6"	ACID	unnamed tributary to Oberts Ditch
002	S-0355 002	38°, 41', 31.4"	87°, 06', 19.2"	ALKALINE	unnamed tributary to Oberts Ditch
003	S-0355 003	38°, 41', 44"	87°, 06', 34"	UNDETERMINED	unnamed tributary to Oberts Ditch

The NPDES general permit identification number assigned to this facility in the previous approval will remain the same, as will all other testing and reporting required under 327 IAC 15-7 using the reporting forms that were sent to you previously. Due to the fact that 327 IAC 15-7 is a permit by rule, you will NOT be receiving an actual permit. The general permit number will be used as an identification number and should be included on all correspondence submitted to IDEM in relation to this NPDES general permit.

Mr. Mark A. Saalman
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Should you need additional copies of this form it is also available on the internet at the following website:

<http://www.in.gov/idem/5104.htm>

327 IAC 15 is also available on the internet at the following website:

<http://www.in.gov/idem/4087.htm>

This modification shall become effective on **November 1, 2010**, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under 327 IAC 15-7 for all remaining outfalls remains effective and will expire on **May 31, 2015**. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that any person who is adversely affected or aggrieved by this acceptance for coverage under the cited NPDES general permit rule may, within eighteen (18) days from the mailing date of this notification, appeal this acceptance by filing a written petition for administrative review with the Office of Environmental Adjudication, in accordance with IC 4-21.5-3-7. This petition constitutes a request for an adjudicatory hearing. The procedure for appeal is outlined in more detail on the attached page.

The Office of Environmental Adjudication will provide parties who request review of this acceptance for coverage with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

If you have any questions regarding this letter, please contact Mr. Joe Gwinn of our staff at 317/ 233-8769.

Sincerely,



Catherine Hess, Chief
Permits Administration Section
Office of Water Quality

jhg

cc: Daviess County Health Department
IDNR, Division of Reclamation

ATTACHMENT 1

Little Sandy Coal – Antioch Mine

NPDES PERMIT NO. ING040207

EFFECTIVE DATE: November 1, 2010

IDNR PERMIT NUMBERS S- 0355

OUTFALLS PERMITTED FOR THIS FACILITY *

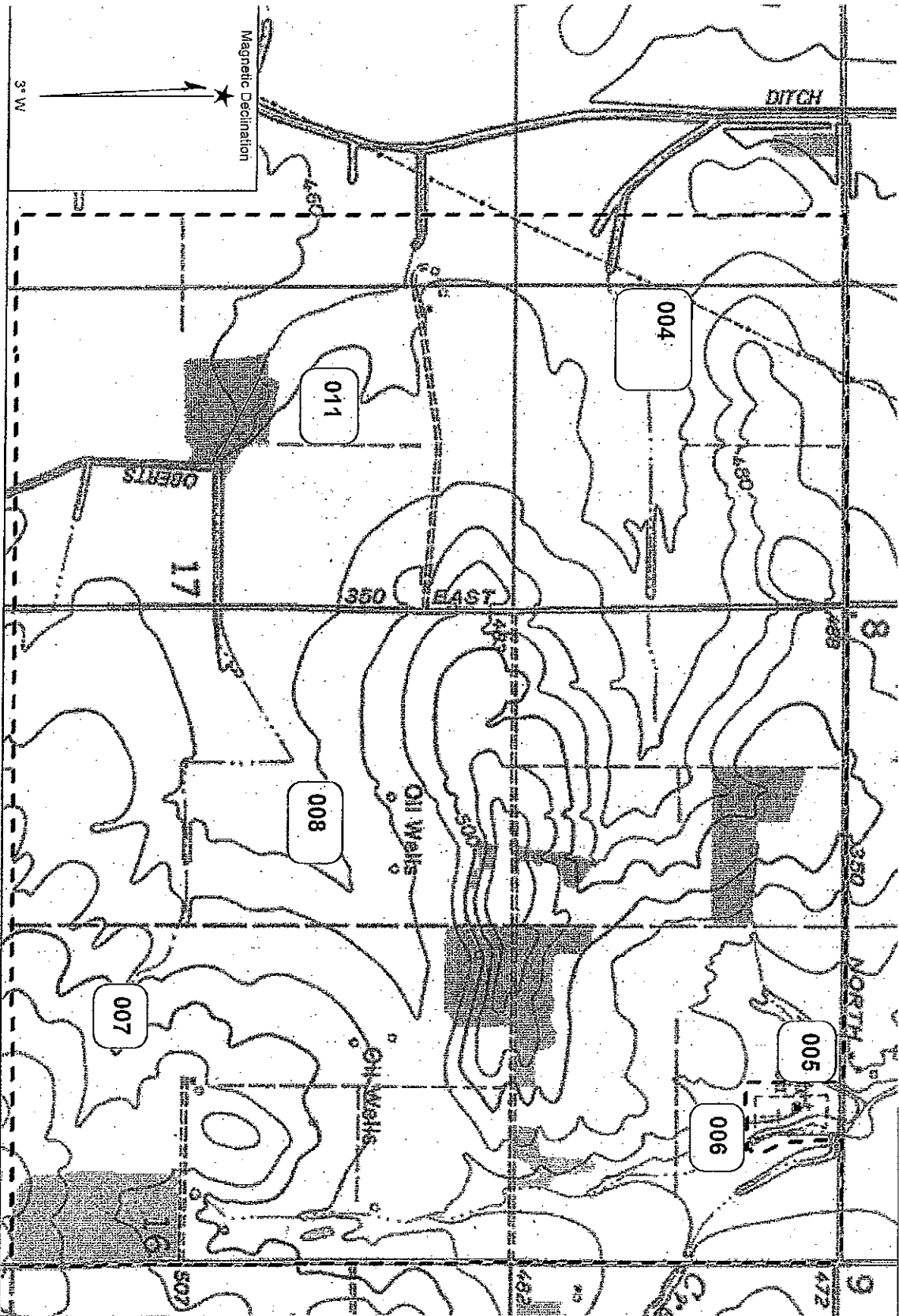
OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
004	S-0355 004	38°, 42', 04"	87°, 06', 34"	UNDETERMINED	unnamed tributary to Eagan Ditch
005	S-0355 005	38°, 42', 18"	87°, 05', 20"	ALKALINE	unnamed tributary to Antioch Creek
006	S-0355 006	38°, 42', 12"	87°, 05', 09"	ALKALINE	unnamed tributary to Antioch Creek
007	S-0355 007	38°, 41', 25"	87°, 05', 25"	ACID	unnamed tributary to Oberts Ditch
008	S-0355 008	38°, 41', 37"	87°, 05', 50"	ALKALINE	unnamed tributary to Oberts Ditch
011	S-0355 011	38°, 42', 41"	87°, 06', 27"	ALKALINE	unnamed tributary to Oberts Ditch

Bold text indicates where there has been a change in mine drainage status

* A site map showing outfall locations is attached to the rear of this permit modification.

Name: MONTGOMERY
Date: 9/8/2010
Scale: 1 inch equals 1000 feet

Location: 038° 41' 50.76" N 087° 06' 00.01" W NAD 27
Caption: Antioch Mine NPDES Permit IN040207, IMod - Add 011



STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2010 – 10D -GP

DATE OF NOTICE: October 15, 2010

The Office of Water Quality issues the following NPDES GENERAL PERMIT.

MODIFICATION

LITTLE SANDY COAL COMPANY, Permit No. ING040207, DAVIESS COUNTY, Montgomery, IN. This modification is being issued because the facility is deleting 3 outfalls and adding 1 outfall. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Joe Gwinn at 317/233-8769.

PROCEDURES TO APPEAL

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:
Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.



Indiana Department of Environmental Management
NPDES General Permit Notice of Intent (NOI) Letter Submittal Application
327 IAC 15-7 Facilities Engaging in Mining of Coal, Coal Processing and Reclamation Activities

I. PURPOSE OF SUBMITTAL

Please check one box. Also provide existing permit number and reason for modification if applicable. You may attach additional sheets if they are needed.

NEW	RENEW	MODIFY	EXISTING PERMIT NO.	IF MODIFICATION WHAT IS CHANGING
		X	ING040207	Delete 001,002,003. Add 011

200 SEP 10 A 10:10
OFFICE OF
WATER QUALITY

II. GENERAL INFORMATION

Complete all boxes in sections a and b for name of company and person who is to receive the permit. Complete boxes in sections c, d, e, f, g, h, and i or fill in N/A for non-applicable as they apply to the facility that the permit is to apply to.

a. APPLICANT NAME (TO THE ATTENTION OF)	e. FACILITY SITE CODE	f. FACILITY COUNTY	g. DNR FACILITY NUMBER
Mark A. Saalman, Geologist	1221	Daviess	S-00355

b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS			h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER					
<u>COMPANY NAME</u>			<u>Latitude</u>			<u>Longitude</u>		
Little Sandy Coal Co., Inc.								
<u>STREET ADDRESS</u>			<u>degree</u>	<u>minute</u>	<u>second</u>	<u>degree</u>	<u>minute</u>	<u>Second</u>
P.O. Box 16			038°	41'	56"	087°	05'	42"
<u>CITY</u>	<u>STATE</u>	<u>ZIP CODE</u>						
Lamar	IN	47550						

c. FACILITY NAME	i. FACILITY TOWNSHIP RANGE SECTION QUARTER SECTION			
Antioch Mine	Township	Range	Section	Quartersection
	T3N	R6W	17	NW¼

IDEM - AR
PAID

d. FACILITY MAILING ADDRESS			j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM d.		
<u>STREET ADDRESS</u>			<u>STREET ADDRESS</u>		
P.O. Box 16			2520N 350E		
<u>CITY</u>	<u>STATE</u>	<u>ZIP CODE</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIP CODE</u>
Lamar	IN	47550	Montgomery	IN	47558

III. CONTACT INFORMATION AUTHORIZED SIGNATORY

This section applies to the responsible corporate officer and/or alternate person who is authorized to act on behalf of the responsible corporate officer to carry out regulatory responsibilities for the facility under 327 IAC 15-7. Please complete all boxes or mark N/A for non-applicable. If the signatory is not a corporate officer, please attach a letter from the responsible corporate officer granting authority to the signatory.

a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE	d. ALTERNATE PERSON TO ANSWER QUESTIONS
David R. Foertsch, Vice President	Mark A. Saalman
b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE	e. ALTERNATE PERSON'S TELEPHONE
812-529-8216	812-529-8216
c. APPLICANT EMAIL ADDRESS	f. ALTERNATE PERSON'S EMAIL ADDRESS
N/A	N/A

200 SEP 10 P 3:42

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IV CONTACT INFORMATION OTHER			
DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION		c. CONTACT AND COMPANY NAME	
		Mark A. Saalman, Little Sandy Coal Co.	
a. CONTACT TELEPHONE NUMBER 812-529-8216		d. STREET ADDRESS P.O. Box 16	
b. CONTACT EMAIL ADDRESS N/A		e. CITY Lamar	f. STATE IN
		g. ZIP CODE 47550	
ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS		i. COMPANY AND CONTACT PERSON NAME	
		Little Sandy Coal Co. Mark A. Saalman	
h. CONTACT TELEPHONE NUMBER 812-529-8216		k. STREET ADDRESS P.O. Box 16	
i. CONTACT EMAIL ADDRESS N/A		l. CITY Lamar	m. STATE IN
		n. ZIP CODE 47550	
OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)		q. COMPANY AND CONTACT PERSON NAME	
		Mark A. Saalman Little Sandy Coal Co.	
o. CONTACT TELEPHONE NUMBER 812-529-8216		r. STREET ADDRESS P.O. Box 16	
p. CONTACT EMAIL ADDRESS N/A		s. CITY Lamar	t. STATE IN
		u. ZIP CODE 47550	

V. RULE QUALIFICATION	
The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.	
Does this facility meet these requirements? (please check one) <input checked="" type="checkbox"/> YES <input type="checkbox"/> X <input type="checkbox"/> NO	
Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.	
Surface water runoff is influent to basins. Water treatment is incorporated as may be needed. Effluent discharge may be regulated as needed.	

VI. OUTFALL INFORMATION											
a. OUTFALL NO.	b. DNR BASIN NO.	c. LATITUDE			d. LONGITUDE			e. TOY/WEATHER BASE FLOW	f. MIN. DRAINAGE STATUS	g. IS THERE A SEPARATE STORM SEWER	h. Name of RECEIVING WATER OR if YES name of OPERATOR OF MUNICIPAL STORM SEWER AND WATER IT DISCHARGES TO
		deg.	min	sec	deg.	min	sec				
004	004	38	42	04	87	06	34	No flow	Undeter.	Y/N N	Eagan Ditch
005	005	38	42	18	87	05	20	No flow	Alkaline	Y/N N	Antioch Creek
006	006	38	42	12	87	05	09	No flow	Alkaline	Y/N N	Antioch Creek
007	007	38	41	25	87	05	25	No flow	Acid	Y/N N	Oberts Ditch Trib.
008	008	38	41	37	87	05	50	No flow	Alkaline	Y/N N	Oberts Ditch Trib.
011	011	38	41	41	87	06	27	No flow	Alkaline	Y/N N	Oberts Ditch Trib.

VII. OUTFALL INFORMATION FOR MODIFICATIONS. Please provide the following information to a request to ADD, DELETE, or CHANGE MINED DRAINAGE STATUS OF one or more outfalls.				
a. ITEM OUTFALL NO.	b. DNR BASIN NO.	c. DEL. ADD. or CHANGE	d. DATE OF CHANGE	e. REASON FOR THE CHANGE. EXPLAIN IN DETAIL AND ATTACH CONFIRMING DOCUMENTATION IN THE FORM OF INSPECTOR'S REPORTS, LAB DATA, ETC.
001	001	Del.	09/07/10	Not to be constructed.
002	002	Del.	09/07/10	Not to be constructed.
003	003	Del.	09/07/10	Not to be constructed.
011	011	Add	09/07/10	Replaces 001,002 & 003.

VIII. TOPOGRAPHICAL MAP

A topographical map must be submitted with this application. The map must include the following items:

- (A) the location of the coal mining operation, including contiguous facility property lines, shown clearly and identified by name and by mark;
- (B) the location of each numbered outfall shown clearly and identified by number and by mark;
- (C) the receiving streams and tributaries to them that each outfall discharges to shown clearly and identified by name;
- (D) any existing permanent structures or roads in the area shown clearly and identified by name.

Please attach this completed map to the application and submit both together.

IX. PROOF OF PUBLICATION

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newspaper for a minimum of one day and must include the following language: (your facility name, address of the location of the discharging facility, and the streams receiving the discharge(s)) "is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and /or reclamation activities. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:
 Office of Environmental Adjudication
 Indiana Government Center - North
 100 North Senate Avenue, Room N501
 Indianapolis, Indiana 46204"

Please attach proof of publication of this statement from the newspaper to the application and submit both together.

N/A

X POTENTIALLY AFFECTED PERSONS FORM

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form and instructions are attached.

Please fill out this form in its entirety and submit it with the application.

XI REQUIRED FEES

A \$50 application fee is required to be submitted with applications for new permits, permit modifications, and permit renewals in accordance with IC 13-18-20-12. In addition the \$500 annual fee is required to be submitted for NEW APPLICATIONS at the time of submitting the application.

Please list amount submitted \$ 50 (039059), attach to and submit with application. Checks or money orders shall be made payable to IDEM.

XII NOTIFICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

Please forward a copy of this application as is required and identify the party to whom it was addressed and the date that it was mailed: John Voigt, DOR 09/08/10

XIII CERTIFICATION STATEMENT

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

David R. Foertsch, Vice President

812-529-8216

Name and title of signatory

Phone number

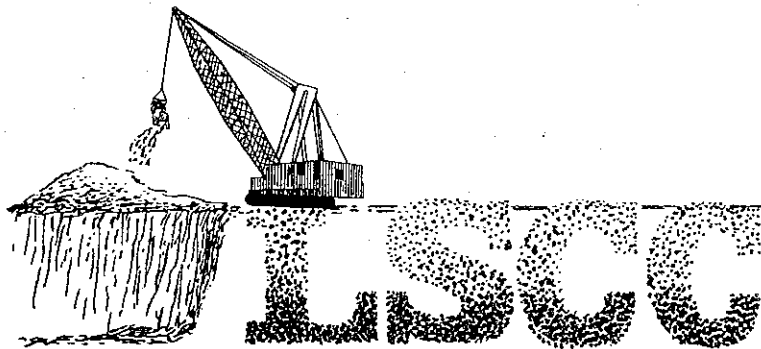
Signature

09/08/10

Date signed

Submit completed form and attachments to the following address:

Indiana Department of Environmental Management
Office of Water Quality – Mail Code 65-42
NPDES Permits Section
100 North Senate Avenue
Indianapolis, Indiana 46204-2251



September 8, 2010

IDEM, Attn: Sheri Jordan
Office of Water Quality
Mail Code 65-42
100 North Senate Ave.
Indianapolis, IN 46204-2251

2010 SEP 10 AM 10:10
OFFICE OF
WATER QUALITY
IDEM

RE: NPDES Permit No. **ING040207**;
Modification

Dear Ms. Jordan,

Little Sandy Coal Company, Inc. (tel: 812-529-8216) herewith submits Notice of Intent for **modification** of the above permit in compliance with 327 IAC 15-7. Please **delete outfalls 001, 002 and 003** from the permit and **add outfall 011**. Please provide DMRs for **011** at markfcc@psci.net. **Anticipated outfall 011 status will be alkaline active.**

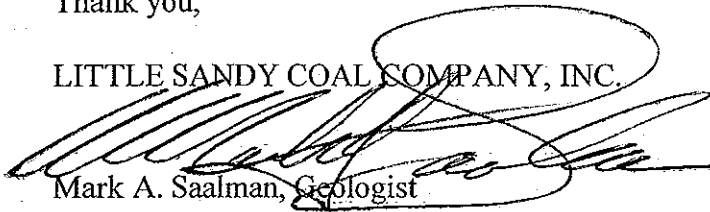
The proposed status of each outfall designation is illustrated on the attached map as follows:

<u>OUTFALL</u>	<u>STATUS</u>	<u>MONITORING FREQUENCY</u>
001,002,003	Delete	N/A
004	Undetermined	N/A
005	Alkaline	Bi-weekly
006	Alkaline	Bi-weekly
007	Acid Active	Weekly
008	Alkaline	Bi-weekly
011	Add (Alkaline Active)	Bi-weekly

If you have any questions, please call.

Thank you,

LITTLE SANDY COAL COMPANY, INC.


Mark A. Saalman, Geologist
Enclosure

MS/mas465f

2010 SEP 10 PM 3:42
IDEM - OEA
RECEIVABLES

Little Sandy Coal Company, Inc.

P. O. BOX 16 • LAMAR, INDIANA 47550-0016 • (812) 529-8216

